

**Notice of Allowability**

Application No.

10/726,811

Applicant(s)

EMMERSON ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remark filed on 6/26/07.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_

  
NAGHMEH MEHRPOUR  
PRIMARY EXAMINER

*Reason for allowance*

*Allowable Subject Matter*

1. **Claims 1-20**, are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claims 1, 8-16**, the present application teaches a plurality of clients for different users use on-line services via a mobile communications network in a system comprising: an application database for holding a group of different applications for providing associated services to a client, the applications being configured to provide clients with unlimited off-line use and limited on-line use, an account database for keeping record of the amount of available on-line use of different services provided to the client and an on-line service controller for running on-line services with different clients and for causing the account database to reduce in a predetermined manner the amount of available on-line use when the client uses the on-line service, if the on-line use is allowed. The clients are capable of obtaining a desired application from communications network, unrestrictedly when desired the application database via the mobile running the desired application off-line by the user, and running the application in communication with the on-line service controller using the mobile communications network to use the on-line service associated with the desired application when desired

Art Unit: 2617

by the user of the client. Corresponding methods, apparatus and computer programs have also been disclosed specifically mention on claims 1, 8-16.

The closest prior art to the present application such as Maxwell (US Publication 2004/0148229) teaches a system for purchasing software online includes a plug-in used by a software application on a computing device to enable software purchases offline. During a first time software purchase, the plug-in captures credit card, address, and e-mail information that is stored on the computing device. The software then is enabled, but the software purchase is pending until the computing device goes online to complete the pending transaction. For subsequent software purchases, when the computing device once again goes online, the subsequent pending transactions are processed. In other embodiments, distributor, software development tool provider, affiliate, and partner relationships with third parties are provided. In further embodiments, a coupon, up-selling, or special offer mechanism, an online software store, a site license server, a software developer's kit (SDK), including an application programming interface (API) are provided. Maxwell publication teaches a processor for running the application off-line whenever desired by the user and for running the downloaded application on-line when desired by the user if allowed by the controller. However, the off-line activity in Maxwell teaches the registration of information required to purchase software and the purchasing of the software, pending a synchronization operation. The on-line activity discussed in Maxwell allowing software vendors to retrieve a list of their registered users and to manage software they have available, and to initiating a synchronization operation that will

complete the software purchasing process and provide the registered users with any of the vendors' software updates. By comparison, the present application claims a processor for running the downloaded application in an off-line mode whenever desired by a user of the client and for running the downloaded application in an on-line mode when desired by a user of the client if allowed and supported by the controller, dependent on the monitoring. The off-line and on-line activities of the Maxwell publication do not contemplate running the downloaded application in an off-line or on-line mode, and further do not contemplate running at the client as opposed to at the server as specifically mention on claims 1, and 8-16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Conclusion**

**2. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 8, 2007



NAGHMEH MEHRPOUR  
PRIMARY EXAMINER